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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,075	03/01/2002	David Leo Presotto	Presotto I	4318
48289	7590	01/25/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/090,075	PRESOTTO ET AL.	
	Examiner Beemnet W. Dada	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 November 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-29 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 30-57 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of Group II claims, i.e., claims 30-57 in the reply filed on November 10, 2005 is acknowledged. Claims 30-57 have been examined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 30-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Shrikhande US Patent 6,721,890 B1.

4. As per claims 30, 33, 42, 50 and 55, Shrikhande teaches a method executed in a network that includes a plurality of interconnected switches and processing units connected to said switches, where said network is partitioned into sub-networks that are interconnected via links, said network further including a firedoor element associated with each of said links, said firedoor elements adapted for communication with a firedoor keeper [see figure 3], comprising the steps of:

each said firedoor element: scanning traffic of its associated link for appearance of any attack from a group of attacks maintained in a patterns file [column 5, line 63 – column 6, line 14];

taking protective action relative to traffic on its associated link when a attack from said group of attacks appears in said traffic [column 6, lines 15-35];

reporting to said firedoor keeper when a attack appears in said traffic [column 6, lines 15-21]; and

accepting directives and updates to said patterns file from said firedoor keeper [column 6, lines 21-49].

5. As per claims 31, 34-38, 43-46 and 51-54 Shrikhande further teaches the method further comprising the step of: said firedoor keeper: receiving a report from said firedoor element associated with each of said links that detects appearance of a attack, analyzing said report to determine whether a directive needs to be sent out, or an update to said patterns file needs to be updated, creating said directive, or said updated patterns file, and sending said direction or updated patterns file to said firedoor elements [column 6, lines 15-49].

6. As per claim 32, Shrikhande further teaches the method wherein where said step of said firedoor element reporting includes said firedoor reporting to said firedoor keeper when a attack is suspected to be appearing in said traffic [column 6, lines 15-21].

7. As per claims 39-41, 47-49, 56 and 57, Shrikhande further teaches the method further comprising a step of controlling behavior of a device distinct from said firedoor apparatus, which device is associated with said traffic, where said step of controlling behavior of said

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device comprises a directive to a. disable all traffic through said device, b. disable all traffic relative to a source address of said traffic, or relative to destination address of said, or c. disable all traffic of a selected type [column 6, lines 22-36].

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

January 22, 2006



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100